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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JANICE L. SCHIMMEL, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )         Case No. 20-cv-1107  
                        )  
DANIEL J. CARPENTER and )  
DAN CARPENTER TRUCKING, LLC, )  
                        )  
Defendants.           )

**NOTICE OF REMOVAL**

Defendants DANIEL CARPENTER and DAN CARPENTER TRUCKING, LLC, by their attorneys HAYNES, STUDNICKA, KAHAN & POULAKIDAS, LLC, pursuant to 28 U.S.C. §§1332, 1441 and 1446, hereby submit their Notice of Removal, and in support thereof, state as follows:

1. On December 30, 2019, plaintiff Janice L. Schimmel (“Schimmel”) commenced this action by filing her Complaint at Law, Jury Demand and Affidavit on damages (Exhibit 1 hereto) in the Circuit Court of Cook County, Illinois. In sum, Schimmel seeks to recover damages based upon her allegations of bodily injuries arising from a motor vehicle accident negligently caused by defendants on January 2, 2018 in Cook County, Illinois.

2. Plaintiff’s attorney emailed a copy of the Complaint to defense counsel on January 22, 2020. Pursuant to defense counsel’s agreement to accept service of process on defendants’ behalf, on February 11, 2020 plaintiff’s attorney also emailed individual summonses addressed to each defendant. Each summons is dated February 11, 2020. See Exhibits 2 and 3 hereto. Accordingly, this Notice of Removal is timely.

3. Defendants have not filed an appearance or any other responsive pleadings with the Clerk of the Circuit Court of Cook County, Illinois.

4. At all times relevant, defendant Daniel Carpenter has resided and maintained his domicile in Wisconsin. At present and going forward, Daniel Carpenter considers himself to be a resident of and domiciled in the State of Wisconsin. See Affidavit of Daniel Carpenter; Exhibit 4 hereto.

5. At all times relevant, defendant Dan Carpenter Trucking, LLC has been a Wisconsin LLC and has maintained its headquarters, principal place of business, and registered agent office in the State of Wisconsin. Defendant Daniel Carpenter is the sole member of Dan Carpenter Trucking, LLC and its registered agent. See Exhibit 4 hereto.

6. Because plaintiff Schimmel's complaint does not allege her individual residence or domicile, defendants retained a licensed investigator to search and verify this information. Based upon his searches, the investigator has concluded that Schimmel has resided continuously at 12204 Arlington Drive, Huntley, Illinois 60142 since before the January 2, 2018 subject occurrence to the present. Accordingly, defendants submit Schimmel is a citizen and resident of Illinois and is domiciled in Illinois for purposes of diversity jurisdiction. See Affidavit of Corey Fertel; Exhibit 5 hereto.

7. Based on the foregoing, there is complete diversity among the parties and this is an action between citizens of different states.

8. Schimmel's Complaint contains an open prayer for damages "in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, Illinois" and is supported by an Affidavit on damages executed by her attorney pursuant to Illinois S.Ct. Rule 222(b). This affidavit states, "[t]he total money damages sought by Plaintiff exceed \$50,000.00,

exclusive of interest and costs.” See Exhibit 1 hereto. S.Ct. Rule 222(b) requires plaintiffs seeking money damages to state via affidavit whether such claimed damages exceed \$50,000.

9. In her Complaint, Schimmel alleges she has sustained personal and pecuniary injuries. Defendants anticipate that at trial plaintiff will ask jurors to award damages based upon her claimed medical bills and any lost wages, plus the individual elements of loss of a normal life experienced and reasonably certain to be experienced in the future and her past and future pain and suffering (see I.P.I. 30.04.01, 30.05, 30.06 and 30.07).

10. Defense counsel has reviewed a Consolidated Statement of Benefits received from plaintiff’s health insurer. Counsel understands that this Statement itemizes various medical claims the health insurer has processed regarding plaintiff’s alleged injuries. According to this Statement, the billed medical charges total approximately \$29,600. The most recent date of service listed in this Statement is from November 2018. Therefore, it is currently undetermined whether this Statement includes all medical bills plaintiff is expected to claim in this suit or if there are additional amounts. Based upon the available damages information, there is a reasonable probability that the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. See Affidavit of Attorney Mark G. Poulakidas (Exhibit 6 hereto).

11. Diversity jurisdiction exists and it is requested that this Honorable Court remove the instant action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois. Copies of this Notice of Removal have been served upon plaintiff’s attorneys and the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, defendants DANIEL CARPENTER and DAN CARPENTER TRUCKING, LLC respectfully request that this Honorable Court remove the instant action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern

District of Illinois, and enter such other and further relief as this Court deems just.

Respectfully submitted,

HAYNES, STUDNICKA, KAHAN & POULAKIDAS, LLC

/s/Mark G. Poulakidas

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